

Notice of Allowability

Application No.

10/614,344

Examiner

Renee Claytor

Applicant(s)

ARTMAN ET AL.

Art Unit

1617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Pre-Appeal Brief filed on 2/13/2007.
2. ☒ The allowed claim(s) is/are 37 and 39.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

S. W. 06/14/2007

Examiner's reasons for allowance

The claimed invention is drawn to a method of treating a convulsive disorder comprising administration of isovaleramide to a patient suffering from a convulsive disorder, wherein the convulsive disorder is selected from the group consisting of simple partial seizures, complex partial seizures, generalized tonic-clonic seizures, secondarily generalized seizures, status epilepticus and trauma-induced seizures and a method of treating headaches comprising administration of isovaleramide. Applicant teaches that the administration of isovaleramide decreases the expression of amygdala-kindled seizures in fully kindled rats (Examples 5 and 6). The closest prior art is Balandrin et al. (U.S. Patent 5,506,268), Drug Facts and Comparisons 1999 ed. Pgs. 1595-1597, and Pharmacotherapy, A Pathophysiologic Approach (Dipiro et al. 2nd ed. Elsevier, 1991, pgs. 132, and 1238).

Balandrin et al. teach isovaleramide as an effective anxiolytic agent that decreases spontaneous locomotor activity but does not teach that isovaleramide decreases convulsive disorders. Drug facts teaches that diazepam is an anxiolytic that is an anti-convulsant to treat status epilepticus and recurrent convulsive seizures but does not teach anything about isovaleramide. The above mentioned prior art does not teach the use of isovaleramide to treat convulsive disorders selected from the group consisting of simple partial seizures, complex partial seizures, generalized tonic-clonic seizures, secondarily generalized seizures, status epilepticus and trauma-induced seizures; therefore, the use of isovaleramide for the treatment of convulsive disorder is novel and non-obvious. Further, Pharmacotherapy teaches that headache is a

Art Unit: 1617


symptom associated with premenstrual syndrome. It is also taught that a known anxiolytic agent, alprazolam, is useful in treating premenstrual syndrome but there is no teaching of isovaleramide. Because the prior art does not teach the use of isovaleramide for the treatment of headaches, it is therefore novel and non-obvious.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Renee Claytor whose telephone number is 571-272-8394. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sreeni Padmanabhan can be reached on 571-272-0629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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